

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RAYMOND H. BOUTIN

Application No. 10/010,114

MAILED

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 24, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The Examiner's Answer filed on May 3, 2005 does not comply with the headings as set forth in the new rules of 37 CFR § 41.37(c) which went into effect September 13, 2004.

Additionally, we were unable to locate a copy of the Blau and Mulligan references and pages 320 and 321 of the Treco reference relied on by the examiner on pages 2 and 3 of the Examiner's Answer mailed May 3, 2005.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- (1) consider the Appeal Brief, vacate the Examiner's Answer mailed May 3, 2005 and issue a revised Examiner's Answer in accordance with the new rules effective September 13, 2004;
- (2) have a complete copy of any subsequent Examiner's Answer scanned into the record;
- (3) locate the missing references (Blau, Mulligan, and pages 320 and 321 of Treco);
- (4) have complete copies of the Blau, Mulligan, and pages 320 and 321 of Treco references scanned into the IFW file, and
- (5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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